IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4269 of 1984

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHINTAN TEXTILES PVT. LTD.

Versus

THE STATE OF GUJARAT

Appearance:
MR SB VAKIL for the Petitioners
MR KT DAVE, GOVERNMENT PLEADER for Respondents Nos. 1-2
MR NIRAV CHOKSHI FOR MR PRASHANT G DESAI for Respondents Nos. 3-4
RULE SERVED BY DS for Respondents No. 5-9

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 10/01/2002

ORAL JUDGEMENT

#. The petitioners before this Court are the vendor and the purchaser of the land final plot no.505/2 admeasuring

4770 Sq.Yards of Changispur Town Planning Scheme No.3 situated within the local limits of Ahmedabad Municipal Corporation. The said land being urban land in excess of the ceiling area was subject to restriction against transfer imposed under Section 27 of the Urban Land (Ceiling and Regulation) Act, 1976. The owners thereof applied to the competent Authority for 'permission to transfer' under Section 27 of the said Act. The said applications were accepted and under order dated 26th December, 1978 made by the competent Authority, the owners (petitioner no.1 and the respondents nos.5 to 9) were permitted to sell the pieces of the said land to the petitioner no.2 herein. The said order dated 26th December, 1978 was taken into review by the State Government under the powers conferred upon it under Section 34 of the said Act. After issuing show-cause notice and after affording opportunity of hearing to the concerned parties, under the impugned order dated 15th February, 1984 (Annexure-'A' to the petition), the State Government was pleased to set aside the above referred permission dated 26th December, 1978 granted by the competent Authority under Section 27 of the said Act. The competent Authority was further directed to proceed further under the said Act and to declare the said land to be excess vacant land. Feeling aggrieved, the petitioners have preferred the present petition.

#. Pending this petition, this Court (Coram: A.P.Ravani, J.) had, on 17th October, 1984, made order, inter alia, as under :

> "There is no reason why the proceedings before the authorities under the Act should be stayed pending hearing and final disposal of this petition. As far as the proceedings pursuant to the order passed under Section 34 of the Act are concerned, the proceedings under the Act shall proceed further upto the stage of Section 8(4) and the competent Authority shall not declare its order without obtaining permission of this Court. At that stage it will be open to the Government to request the Court for appropriate relief. The ad-interim relief granted earlier shall stand modified to the aforesaid extent."

It is undisputed that in view of the above direction no order has been made by the competent Authority beyond the preparation of the draft statement under Section 8 of the said Act.

#. Be it noted that the said Act of 1976 has been

repealed under the Urban Land (Ceiling and Regulation) Repeal Act, 1999. The said Repeal Act of 1999 has been made effective in the State of Gujarat on and from 30th March, 1999. In view of the repeal of the said Act of 1976, the impugned order dated 15th February, 1984 has become incapable of being implemented. In that view of the matter, the writ petition requires to be allowed. The impugned order dated 15th February, 1984 (Annexure-'A' to the petition) is quashed and set aside. Rule is made absolute. Interim relief is vacated. The parties shall bear their own cost.

10th January, 2002. (Ms. R.M. Doshit, J.)

/sakkaf